

Judge Timothy W. Dore
Chapter 13
Hearing Date: June 30, 2021
Hearing Time: 9:30 am
Hearing Location: Seattle, WA
Response Due Date: June 23, 2021

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re

DALE EHRENHEIM AND CHERYL
EHRENHEIM,

Debtors.

NO. 16-10224

STATE OF WASHINGTON'S MOTION
TO WAIVE THE STATUTE OF
LIMITATIONS AS TO DOMESTIC
SUPPORT OBLIGATIONS

COMES NOW the State of Washington, Department of Social and Health Services ("the Department") by and through the undersigned attorney, and moves the Court for an order waiving the statute of limitations as to payment of Dale Ehrenheim's child support obligation until the support obligation is paid in full.

In this bankruptcy, the Department initially filed a \$49,439.76 claim for child support arrears owed by Dale Ehrenheim. See Claim #11-1. On July 6, 2016, the debtors' bankruptcy plan was confirmed. At the end of the plan, in the Additional Case-Specific Provisions, the plan states as to debtors' domestic support obligation, which includes child support:

3. Notwithstanding Section I.B., the debtors shall make plan payments for a sixty month period pursuant to 11 U.S.C. Sec. 1322(a)(4). The debtors' domestic support obligation will survive.

See Confirmed Chapter 13 Plan, Docket #40 and 42. This provision states that debtors' domestic support obligations will survive the plan and remain due and owing.

On April 7, 2021, the Department amended its claim for child support arrears owed by Dale Ehrenheim to \$45,235.98 after receiving approximately \$4,000 during the course of the bankruptcy. See Declaration of Denise Rainville and Claim #11-2 with the most recent debt calculation documenting Dale Ehrenheim's support obligation. Dale Ehrenheim's youngest child

1 turns 28 on July 7, 2021, and pursuant to RCW 4.16.010, the statute of limitations will run at
2 that time on the child support debt owed by Dale Ehrenheim. *See* Declaration of Denise
3 Rainville.

4 The State requests the Court enter an order waiving the statute of limitations as to child
5 support owed by Dale Ehrenheim. An order confirming a plan binds the debtor and all creditors.
6 11 USC § 1327(a); *In re Than*, 215 B.R. 430, 435 (9th Cir. 1997) and *In re Richardson*, 192 B.R.
7 224, 228 (Bankr. S.D. Cal. 1996). Therefore, the terms of this plan binds the debtors and Dale
8 Ehrenheim's domestic support obligation survives the 60-month plan.
9 The plan places no limit upon the time-period extending payment for domestic support
10 obligations, so Dale Ehrenheim waived the statute of limitations as to his domestic support
11 obligation, which includes child support arrears currently owed by Dale Ehrenheim.

12 Therefore, the State requests the Court enter the order determining that the statute of
13 limitations is waived as to domestic support obligations owed by Dale Ehrenheim.

14 DATED this 8th day of June, 2021.

15 ROBERT W. FERGUSON
16 Attorney General

17 /s/ Susan Edison

18 SUSAN EDISON, WSBA No. 18293
19 Senior Counsel